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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,532

09/16/2003

Paul Brent Rivers

BEI-0028US

3579

49584

7590

03/27/2007

LEE & HAYES, PLLC
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EXAMINER

PATEL, TAJASH D

ART UNIT

PAPER NUMBER

3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No. 10/663,532	Applicant(s) RIVERS ET AL.	
	Examiner Tejash D. Patel	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8-18,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6, 8-18, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolando et al (US 4,195,362) in view of Triche (US 5,210,878). Rolando et al(hereinafter Rolando) discloses an upper body garment/jacket/coat/vest/shirt (30) including a base fabric having front and rear portions that has opening for the arms and the head and has a breast portion on the front portion, such that a first, substantially rectangular, shock absorbing protective panel (11) is attached to the left breast portion of the base fabric as shown in figure 1, which protects the upper body portion during descent from a vertical surface.

Additionally, a second, substantially rectangular, shock absorbing protective panel (11) is attached to the right breast portion of the base in a non-overlapping configuration as shown in figure 1. Also, the garment includes a collar portion (2). The first and second panels are positioned completely over the left and right breast portion of the base fabric as shown in figure 1 and is made of a foam material, col. 2, lines 60-68. Furthermore, a pair of sleeves (8) is attached to the base fabric for receiving the arms and a protective panel (O,P) is attached to the forearm portion of each sleeve, col. 3, line 65 – col. 4, line 17 and as shown in figures 1 and 2.

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However, Rolando does not show the protective panel on each of the pair of sleeves being attached to an inner forearm portion thereof.

Triche discloses a garment (22) having a pair of sleeves having a protective panel being attached to an inner forearm portion thereof as shown in figures 1 and 2.

Col. 3, lines 17-21 of Rolando states that the protective panel placement on the garment depends on the particular use in which the user engages and that is within the scope to place the panel in other areas other than shown. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to recognize that the protective panel on each of the sleeves of Rolando can be attached to an inner forearm portion thereof as taught by Triche as required for a particular application or end use thereof.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-18 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolando et al in view of Triche as applied to claim 1 above, and further in view of Bachner (US 6,154,880). Rolando when viewed with Triche discloses the invention as set forth above except for showing the protective panel of the garment being made of aramid fiber such as KEVLAR.

Bachner discloses a garment having ballistic panels being made of aramid fibers such as KEVLAR with different structural properties, col. 1, line 5 – col. 15, line 35.

It would have been obvious to one skilled in the art at the time the invention was made to recognized that the protective panels of Rolando when viewed with Triche can be made of aramid fibers such as KEVLAR as taught by Bachner as conventionally known in the art. Further, with regard to claims 13-18, it would have been obvious that the panel of Rolando when viewed with Triche and Backner can be formed from any desired strength, denier, weight, warp count, fill count, etc through routine experimentation or depending on the end use thereof.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rolando in view of Triche and Parker et al. (US 5,247,707). Rolando when viewed with Triche discloses the invention as set forth above except for showing loops being attached to the front portion of the garment and having the bottom of the garment being attached to a safety belt by loops.

Parker et al. (hereinafter Parker) discloses loops (16) being attached to a front portion of a garment and having the bottom of the garment being attached to a safety belt (B) by loops (14) as shown in figure 1

It would have been obvious to one skilled in the art at the time the invention was made to provide the garment of Rolando when viewed with Triche having loops being attached to the front portion of the garment and having the bottom of the garment being attached to a safety belt

by loops as taught by Parker, so that desired items can be carried by the wearer while load is evenly distributed about the body or as required for a particular application thereof.

Response to Amendment

6. The amendment and arguments filed on January 17, 2007 has been considered and duly noted. In view of such, the amendment has necessitated a new ground of rejection thus making this office action FINAL and the arguments are moot.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (571) 273-8300.

March 20, 2007



TEJASH PATEL
PRIMARY EXAMINER